

REPORT OF THE
GORHAM TOWN COUNCIL
REGULAR MEETING
Burleigh Loveitt Council Chambers
August 3, 2021

Chairman Pratt opened the meeting with the Pledge of Allegiance to the Flag. There were 28 members of the public in attendance.

Roll Call: Chairman Pratt, Councilors Shepard, Hartwell, Hager, Phillips, Wilder Cross and Kuech. Also in attendance were Town Manager Ephrem Paraschak and Town Clerk Laurie Nordfors.

Moved by Councilor Shepard, seconded by Councilor Phillips and VOTED to accept the minutes of the July 6, 2021 Regular Town Council Meeting. **7 yeas**

Open Public Communications

Tina Ruel, Joseph Drive, shared her concern for the amount of litter around Gorham. She is hoping that the Town will continue to sponsor clean up days and that more people will participate.

Phil Gagnon, Gordon Farms Road, thanked everyone who attended the ribbon cutting ceremony for Sullivan Bakery.

Councilor Communications

Councilor Hager pointed out that he had met with Casey Leonard, RKO Auditing Firm, and discussed establishing a formal debt ratio for the Town of Gorham.

Councilor Phillips revealed that the Gorham Business Exchange will host a Job Fair sometime in September. She will offer more information soon.

Councilor Shepard reported that the Ordinance Committee met on July 20th and two items that they discussed are on tonight's agenda.

Councilor Hartwell was happy to announce that the drought situation in the State has subsided due to the recent rains.

Chairman Pratt reported that the GEDC met on July 21st and discussed goal setting. He thanked Superintendent Perry for sharing the revised 279 subsidy report. He also thanked everyone who came out for the Sullivan Bakery ribbon cutting ceremony and reported they all enjoyed great food and coffee.

Town Manager Report

Town Manager Paraschak reminded residents of the current re-value process by Vision Appraisal. Residents will receive notice in the mail when Vision Appraisal will be visiting their neighborhood. More information can be obtained on our website. He asked residents to bare with us while various construction projects are going on around Town. He reported that Gorham will receive funds from the PACTS Care Act for a rapid transit study between Gorham and Portland.

School Committee Report

Darryl Wright reported the following:

1. The opening of school schedule is as follows: Grades 6 and 9 will start school on Monday, August 30th, with all other grades besides Kindergarten starting Tuesday, August 31st. Kindergarten students start on Thursday, September 2nd.
2. Bus routes will be posted to the District website in the coming weeks.
3. All new staff will start on August 23rd, with the rest of the staff returning on August 24th.
4. The School Committee will be reviewing and voting on the updated Pandemic Operations Plan for the 2021-2022 school year.
5. Masking still continues to be an area of focus and there are a lot of questions that we are getting. As a District, we will continue to rely on the guidance that we receive from the CDC and the DOE. Based on the latest changes to those recommendations/guidance and based on our previous experience with constantly changing recommendations/guidance, I ask for everyone to remain patient with us as the COVID 19 Delta variant continues to spread throughout the world and guidance from the CDC and DOE changes. When making decisions, the District will continue to utilize the latest information and guidance and make what we feel is the best decision to keep all of our students, staff and families as safe as we can. Not everyone will agree with the decisions that are made as we move forward and I ask that if you would like to share your opinions about this issue or any issue in front of the School Committee that you please continue to be respectful in your communications, whether in person at our meetings or via email. Our community has done a great job in this area in the past and I don't expect that to change going forward.
6. The School Committee has brought forward a prospective Bond referendum request for your consideration, discussion and vote on tonight's Agenda and we look forward to hearing your discussion. We appreciate your consideration and look forward to your comments.
7. Our next School Committee regular meeting is scheduled in person for August 11th, here in the Burleigh H. Loveitt Council Chambers, at 7:00 PM.

**Public
Hearing #1
On item #2021-8-01**

Public hearing to hear comment on a proposal to issue a Medical Use Marijuana License to Andrew Rosenfeld, Second Nature LLC, 44 Sanford Drive, property owned by James & Paula Fox. (Admin. Spon.)

Chairman Pratt opened public hearing #1. There were no comments from the public and the hearing was closed.

**Proposed
Order # 21-103**

Moved by Councilor Kuech, seconded by Councilor Shepard and ORDERED, that the Town Council issue a Medical Use Marijuana License to Andrew Rosenfeld, Second Nature LLC, 44 Sanford Drive, property owned by James & Paula Fox.

Order #21-103 was VOTED **7 yeas**

**Public
Hearing #2
On order #2021-8-02**

Public hearing to hear comment on a proposal to issue a Special Amusement License to Benjamin Smith, DBA Junction Bowl, 7 Railroad Avenue. (Admin. Spon.)

Chairman Pratt opened public hearing #2. There were no comments from the public and the hearing was closed.

**Proposed
Order #21-104**

Moved by Councilor Wilder Cross, seconded by Councilor Phillips and ORDERED, that the Town Council issue a Special Amusement License to Benjamin Smith, DBA Junction Bowl, 7 Railroad Avenue.

Order #21-104 was VOTED **7 yeas**

Public

Hearing #3

On item #2021-8-03

Public hearing to hear comment on a proposal to issue a Special Amusement License to Benjamin Smith, DBA Side Car, 7 Railroad Avenue. (Admin. Spon.)

Chairman Pratt opened public hearing #3. There were no comments from the public and the hearing was closed.

Proposed

Order # 21-105

Moved by Councilor Wilder Cross, seconded by Councilor Hager and ORDERED, that the Town Council issue a Special Amusement License to Benjamin Smith, DBA Side Car, 7 Railroad Avenue.

Order #21-105 was VOTED **7 yeas**

Public

Hearing #4

On item #2021-8-04

Public hearing to hear comment on proposed amendments to the Gorham Firearms Ordinance and Map (Ordinance Committee Spon.)

Chairman Pratt opened public hearing #4. There were no comments from the public and the hearing was closed.

Moved by Councilor Phillips, seconded by Councilor Wilder Cross and VOTED to waive the reading of Order #21-106 due to length. **7 yeas**

Proposed

Order # 21-106

Moved by Councilor Phillips, seconded by Councilor Wilder Cross and ORDERED, that the Town Council amends the Gorham Firearms Ordinance and map as follows:

FIREARMS ORDINANCE

SECTION 1. DEFINITIONS

- 1.1 "Firearm", includes means any instrument used in the propulsion of pellets, shot, or bullets by action of gunpowder, including, but not limited to a handgun, muzzleloader, rifle, or shotgun..

1.2 Muzzle Loading Firearm: "Muzzle-loading firearm" means a muzzleloader, a traditional muzzleloader, modern inline muzzleloader, or a muzzle-loading shotgun.

1.3 Muzzleloader: "Muzzleloader" means a firearm that:

- A. Is capable of being loaded only through the muzzle;
- B. Is ignited by a matchlock, wheel lock, flintlock, or caplock, including an in-line caplock, or shotgun, or rifle primer mechanism;
- C. Has a rifled or smooth –bored barrel or barrels, each barrel capable of firing only a single charge;
- D. Propels a ball, bullet, or charge of shot;
- and E. May have any type of sights, including scopes.

1.4 "Direct family members" means: A any person related to the property owner by blood or by marriage.

1.5 "Shotgun" means: aA firearm typically used to fire a number of small balls from a shotgun shell through a rifled or smoothbore barrel of relatively large diameter, propelling a load of pellets, buckshot, bullets or slugs, for the purpose of big or small game hunting.

A shotgun may have any type of sights, including scopes.

a.) 1.6 "Handgun" means a firearm of a description from which any shot or bullet .35 caliber or larger and loaded with straight-walled cartridges can be discharged where the barrel, not including any revolving, detachable or magazine breech, does not exceed 12 inches and is designed to be held and fired with one hand, such as a revolver or pistol.

SECTION 2. SHOTGUN, HANDGUN, AND MUZZLE LOADING, RESTRICTED ZONE

2.1 It shall be a violation of this ordinance for any person to discharge a firearm of any kind or description, except for shotguns, handguns, or muzzle loaders, as defined under Section 1, within the "Handgun, Shotgun, and Muzzle Loading Restricted Zone" as shown on the Gorham Firearms Map, which is dated September October 76, 2011 May 17, 2021 and subsequently amended, as is kept in the Gorham Town Clerk's office.

2.2 This section shall not apply to any person while on their own property to which they are legally entitled to possession, or on which they are actually domiciled, or their direct family members or persons who have written permission from the owner.

SECTION 3. OWNER OF PROPERTY

3.1 This ordinance shall not restrict an owner of said property, or any person that has obtained written permission from the owner, whether or not such property is located in the "Shotgun and Muzzle Loading Restricted Zone" from discharging a firearm on his/her own property to dispatch a wild animal that is destroying said property, so long as said owner or permitted individual of the property acts pursuant to and in accordance with Title 12 M.R.S.A., Sections 12401-12404.

SECTION 4. DISCHARGE OF FIREARM NEAR DWELLING IS PROHIBITED.

- 4.1 The discharge of a firearm, including shot guns or muzzleloaders, within 100 300 yards feet of a building or residential dwelling is prohibited without the permission of the owner, or in the owner's absence, an adult occupant of the building or dwelling authorized to act on behalf of the owner.

SECTION 5. MUNICIPAL PROPERTIES

- 5.1 It shall be a violation of this ordinance for any person to discharge a firearm of any type **of or** description at or on municipal properties as listed:
- A. Within 500 feet of any School Property
 - B. Gorham Municipal Center
 - C. Baxter Memorial Library
 - D. The Chick Property located between Main Street, Libby Avenue and Gray Road
 - E. Within 300 feet of the Public Works Garage
 - F. Within 300 feet of the fuel tanks located on Huston Road
 - G. Fort Hill Park
 - H. Little Falls Recreation Area
 - I. Little Falls School Area
 - J. Shaw Park
 - K. Robie Park
 - L. Cherry Hill Property located between Route 237 and Smith Road on Main Street
 - M. Lavoie Pumptrack
 - N. Gorham Industrial Park

SECTION 6. NARRAGANSETT GAME SANCTUARY

- 6.1. "Narragansett Game Sanctuary" as defined in Title 12 M.R.S.A. Sec. 12706 (1)(S) is: "The following described territory situated in the Town of Gorham, in the County of Cumberland: Bounded on the north by the right-of-way of the W.N. and P. division of the Boston & Maine Railroad; on the east side by the Black Brook Road or Scarborough Road, also known as Brackett Road and Libby Avenue¹ so called, in said Town of Gorham; on the south side by the Stroudwater River; and on the west side by South Street or South Gorham Road, so called, in the Town of Gorham, containing 3,600 acres, more or less. For provisions relating specifically to Narragansett Game Sanctuary, see Title 12, M.R.S.A. Section 12707 (2) (D).

SECTION 7. VIOLATIONS/FINES

- 7.1 Any person found to be in violation of any part of this ordinance shall be fined not less than \$300.00 and not more than \$5,000.00, with the fine recovered for use by the Town of Gorham. The Town of Gorham may initiate any and all actions and proceedings either legal or equitable that may be appropriate or necessary for the enforcement of this ordinance and the Town shall be entitled to recover its legal costs related to the enforcement of same

SECTION 8. SEVERABILITY

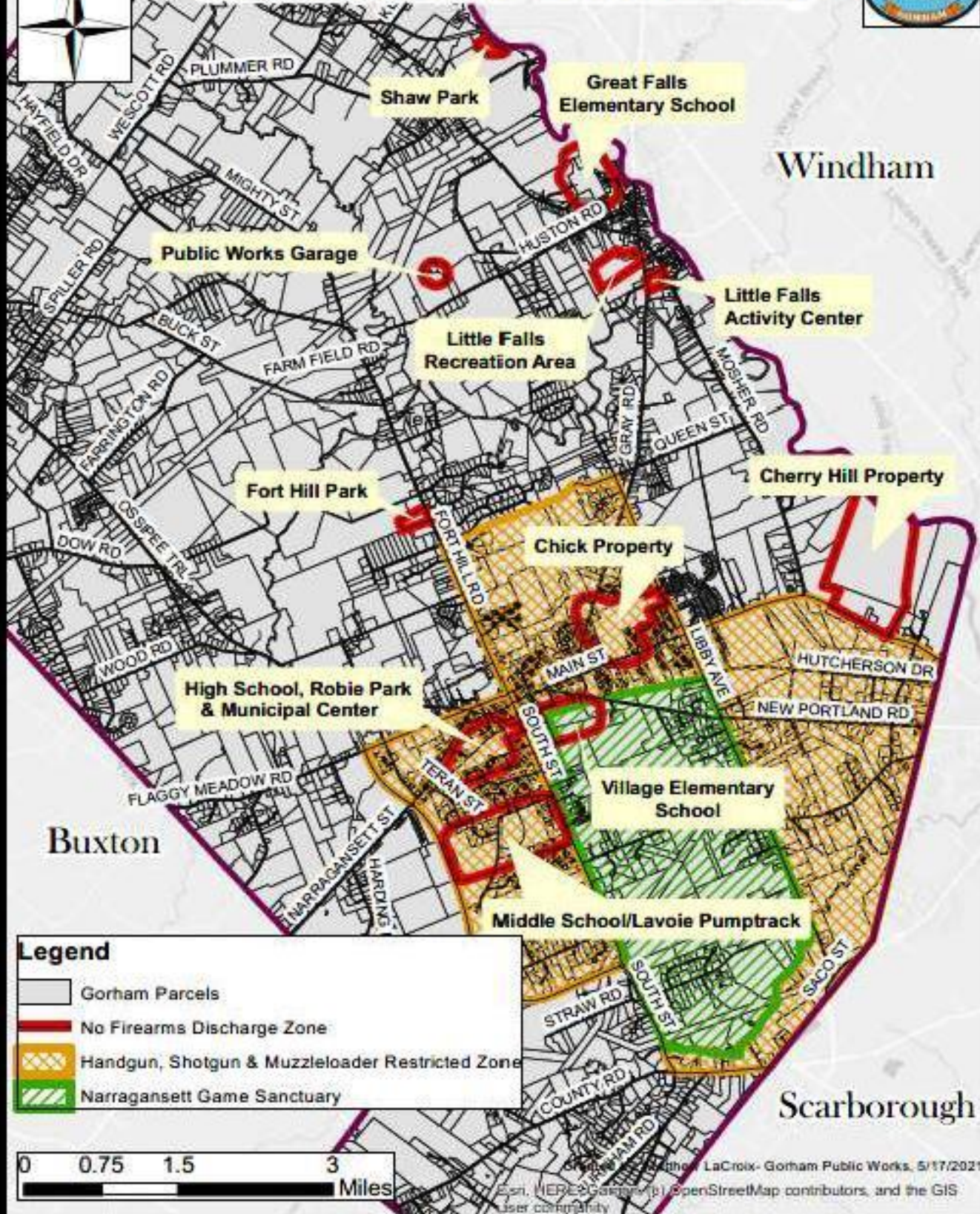
- 8.1 If any section or provision of this ordinance shall be finally declared invalid by a court of competent jurisdiction, such invalidity shall not affect the remaining sections and provisions of the ordinance.
- 9.1 The following activities are exempted from the firearms discharge permit ordinance:
 - A. The discharge of a firearm by a Gorham police officer, or other local, state, or federal law enforcement officer acting in their official duties.

The discharge of a firearm by a homeowner for the lawful defense of life and property or

- B. The discharge of a firearm by persons using outdoor skeet, trap, target, test shooting ranges with the consent of the owner or legal occupant of the land on which a legal shooting range has been established under the Town's Land Use & Development Code.



Gorham Firearms Ordinance Map



Legend

- Gorham Parcels
- No Firearms Discharge Zone
- Handgun, Shotgun & Muzzleloader Restricted Zone
- Narragansett Game Sanctuary



Created by: [unclear] LaCroix - Gorham Public Works, 5/17/2021
Data: HERE, [unclear], OpenStreetMap contributors, and the GIS user community

Order #21-106 was VOTED **7 yeas**

Moved by Councilor Philips, seconded by Councilor Shepard and VOTED to take an item out of Order. 7 yeas

Item #2021-8-14

Action to consider authorizing the construction of a skate park.
(Councilor Pratt Spon.)

Proposed

Order #21-118

Moved by Councilor Shepard, seconded by Councilor Phillips and Ordered, that the Town Council authorizes the construction of a skate park on the Chick Property; and

Authorizes the release of up to \$125,000 in Recreation Impact Fees to be used as matching funds for any private donations, in kind donations or other funds received by the Town of Gorham.

Tom Dupuis gave a summary of the Skate Park Project.

Order #21-118 was VOTED **7 yeas**

Old Business

Item #9476

Action to consider accepting a trail easement from Avesta Housing.
(Admin. Spon.)

Proposed

Order #21-107

Moved by Councilor Shepard, seconded by Councilor Hager and ORDERED, that the Town Council accept a trail easement located on Map 26, Lot 18 for the purposes of extending access to the Cross Town trail.

Order #21-107 was VOTED **7 yeas**

Item #2021-014

Action to consider accepting recommended changes to municipal fees.
(Finance Committee Spon.)

Proposed**Order #21-108**

Moved by Councilor Hager by Councilor Shepard and ORDERED, that the Town Council adopt the recommended changes to municipal fees as follows:

Moved by Councilor Shepard, seconded by Councilor Wilder Cross and VOTED to waive the reading of Order #21-108 due to length. **7 years**

Planning & Code Department Fees

Fee Type	Old Fee (If Existing)	New Fee	Notes
Building permits minimum	\$35	\$50	
Building permit refund		After review, retain 20% of building permit costs	New (not existing)
Re-inspection fee	\$50	\$75	
Accessory use building permit fee	\$30	\$50	
In-ground swimming pool	\$45	\$75	
Above-ground swimming pool	\$30	\$50	
Chimney	\$20	\$50	
100-amp electrical/mechanical service	\$50	\$100	Combine as "Electrical Service Permit"
200-amp electrical/mechanical service	\$75		
Minimum electrical addition/modification fee		\$50	New (not existing) proposed fee
Permanent sign	\$25	\$50	
Home occupation	\$30	\$50	
Demolition small structures (under 250 sq ft)	\$10	\$50	
Demolition residential structures	\$50	\$100	
Demolition commercial/industrial	\$100	\$150	
Mobile home electrical service reconnection – 100 amp service	\$50	\$100	Combine as "Electrical Service Permit"
Mobile home electrical service reconnection – 200 amp service	\$75		

Fee Type	Old Fee (If Existing)	New Fee	Notes
Zoning Board of Appeals - Rescheduled appeal due to applicant no-show	\$250	\$500	
Zoning Board of Appeals - Replacement of legally non-conforming structure	\$125	\$200	
Zoning Board of Appeals – All other appeals	\$175	\$250	
Mobile home located on established pad (including electrical service reconnection & plumbing reconnection)	\$105	\$350	
Plumbing inspection minimum fee	\$24	\$50	
Plumbing fee per fixture	\$6	\$10	
Junkyard Permit	\$50	\$100	
Gravel permits less than 5 acres	\$200	\$250	
Gravel permits larger than 5 acres	\$300	\$500	
Building permit for residential solar	Building permit fee based on costs to install the panels.	\$50	Converted to flat fee to promote solar
Electrical permit for residential solar – up to 25 kV system	Fee based on number of panels.	\$50	Converted to flat fee to promote solar
Electrical permit for residential solar – up to 50 kV system	Fee based on number of panels.	\$75	Converted to flat fee to promote solar
Electrical permit for residential solar – over a 50 kV system	Fee based on number of panels.	\$100	Converted to flat fee to promote solar
Professional and Legal services peer review fee (All projects requiring Planning Board approval, including special studies such as noise, hydrogeology, lighting, landscaping, etc.	\$500 + engineer's estimate	Developers required to pay all peer review fees	
After-the-fact building permits for contractors (in calendar year) after 3 rd mistake – 1 st occurrence		Double the permit fee	New (not existing) proposed fee
After-the-fact building permits for contractors (in calendar year) after 3 rd mistake – 2 nd occurrence		Triple the permit fee	New (not existing) proposed fee
After-the-fact building permits for contractors (in calendar year) after 3 rd mistake – after 2 nd occurrence		Triple the permit fee	New (not existing) proposed fee
Public hearing notice – one posting	Varies based on application type	\$100	
Public hearing notice – two postings	Varies based on application type	\$200	
De minimis changes		\$125	New (not existing) proposed fee

Town Clerk's Office Fees

Fee Type	Old Fee (If Existing)	New Fee	Notes
Single gravesite fee – residents	\$400	\$500	
Single gravesite fee – nonresidents	\$600	\$750	
Full burials on weekdays	\$550	\$650	
Full burials on weekends and holidays	\$625	\$725	
Cremations on weekdays	\$250	\$350	
Cremations on weekends and holidays	\$325	\$425	
Cremation burial with concrete vault (in addition to regular cremation burial fee)		\$200	New (not existing) proposed fee
Infant burial – weekday	\$350	\$0	Remove
Infant burial – weekends and holidays	\$400	\$0	Remove
Burial Processing fee	\$25	\$0	Remove
Victualers License, Class I – On-site consumption of liquor	\$100	\$250	
Victualers License, Class II – Without on-site consumption of liquor	\$50	\$200	
Victualers License, Class III – Mobile Vending Units	\$25	\$50	
Internment overtime (per hour)		\$100	New (not existing) proposed fee

Public Works Department Fees

Fee Type	Old Fee (If Existing)	New Fee	Notes
Street opening permit fee (minor/major)	\$25/\$50	\$100/\$300	
Excavator license fee	\$100/year	\$150/year	
Newly constructed or reconstructed streets	\$50/sq yd	\$100/sq yd	
Residential streets	\$50/sq yd	\$100/sq yd	
Arterial or commercial streets	\$75/sq yd	\$150/sq yd	
Portland cement concrete sidewalk	\$55/sq yd	\$130	Combine together
Portland cement concrete driveway	\$65/sq yd		
Bituminous concrete sidewalk	\$35/sq yd	\$90	
Bituminous concrete driveway	\$45/sq yd	\$90	
Replacement of lost/damaged concrete granite curb	\$40/linear ft	\$80	
Bituminous concrete curbing	\$15/linear ft	\$40/linear ft	
Removing and replacing regulatory signs	\$50 ea.	\$120 ea.	
Removing and replacing street name and stop signs	\$50 ea.	\$200 ea.	
Reinstall of street & right-of-way granite monuments	\$800 ea.	\$2,500++	

Order #21-108 was VOTED **7 yeas**

New Business

Item #2021-8-05

Action to consider a referendum to authorize spending of up to \$6,171,072.00 for the Gorham School Department. (Councilor Kuech Spon.)

Proposed

Order #21-109

Moved by Councilor Kuech, seconded by Chairman Pratt and Ordered, that the Town Council authorize a referendum question for November 2, 2021 to borrow and expend up to \$6,171,072 for a Narragansett School Maintenance Garage, Transportation Site Paving, GHS Paving, three projects at Village Elementary and additional fund to complete the GMS HVAC project; and

Be It Further Ordered, that the Town Council schedules a Public Hearing for September 7, 2021.

Moved by Councilor Shepard, seconded by Councilor Wilder Cross and VOTED to table Item #2021 8-05 until the Council hears back from the School Committee. **7 yeas**

Item #2021-8-06

Action to consider appointing a Town Council representative to the Gorham School Department's Little Rams Early Childhood Project. (Councilor Pratt Spon.)

Proposed

Order #21-110

Moved by Councilor Kuech, seconded by Councilor Hager and Ordered, that the Town Council appoints Councilor _____ to the Little Rams Early Childhood Project.

Moved by Councilor Shepard, seconded by Councilor Wilder Cross and VOTED to amend Order #21-110 to appoint Councilor Kuech to the Little Rams Early Childhood Project. **7 yeas**

Order #21-110 VOTED as amended **7 yeas**

Item #2021-8-07

Action to consider accepting a resignation from the Gorham Conservation Commission. (Admin. Spon.)

Proposed

Order #21-111

Moved by Councilor Phillips, seconded by Councilor Hager and ORDERED, that the Town Council accept the resignation of Joshua Haiss from the Gorham Conservation Commission; and

Be It Further Ordered, that the Council thanks Joshua Haiss for his years of service on the Board.

Order #21-111 VOTED **7 yeas**

Item #2021-8-08

Action to consider filling a vacancy on the Gorham Conservation Commission. (Appointments Committee Spon.)

Proposed

Order #21-112

Moved by Councilor Shepard, seconded by Councilor Wilder Cross and ORDERED, that the Town Council appoint Jeremy Lestage to the Gorham Conservation Commission.

Order #21-112 VOTED **7 yeas**

Item #2021-8-09

Action to consider amending the Land Use & Development Code to allow for agricultural event centers and agricultural tourism (Ordinance Committee Spon.)

Moved by Councilor Phillips, seconded by Councilor Wilder Cross and VOTED to waive the reading of Order #21-113 due to length. **7 yeas**

Proposed

Order #21-113

Moved by Councilor Phillips, seconded by Councilor Shepard and ORDERED, that the Town Council forward to the Planning Board, for public hearing and recommendation, amendments to the Land Use & Development Code as follows:

Chapter 1: ZONING REGULATIONS

SECTION 1-5 - Definitions

Agriculture: The science, art, or practice of cultivating the soil, producing crops, and raising livestock and in varying degrees the preparation and marketing of the resulting products.

Agritourism: Any agricultural activity carried out on a farm or ranch that members of the general public are allowed to view or participate in, including farming, ranching, historical and cultural activities, harvest-your-own activities and attractions related to farming or ranching, including, but not limited to, marketing or selling of any products from the farm or ranch. Examples of agritourism include farm markets; roadside stands; enjoyment the farm environment; harvest your own operations; ice cream/bakery facilities; Maine Maple events; Christmas tree farm, including cut your own operations; wineries, winery tours and tastings; local product retail operations; corn mazes; farm-related interpretive facilities and exhibits, agricultural education programs and experiences; agriculturally related fairs and festivals; on-site farm, garden and nursery tours; trails; farm stay; recreation related operations; horseback riding; weddings; corporate events/retreats; and banquets. An activity is an agritourism activity whether or not the participant pays to view or participate in the activity.

Farming: The commercial production of agricultural products as a livelihood and includes dairy farming; raising livestock, freshwater fish, fur-bearing animals or poultry; producing, cultivating, growing and harvesting fruit, produce or floricultural or horticultural commodities; or any practices on a farm or ranch that are incident to or in conjunction with these farming operations, as defined by the Maine Revised Statutes, Title 7, Sec. 251, as amended.

Marketing: The promotion of buying and selling a product or service, including agritourism, which means attracting visitors to a farm to attend events and activities that are accessory uses to the primary farm operation.

Section 1-8 – RURAL DISTRICT

B. PERMITTED USES

24) Agritourism

G. Performance Standards for Agritourism Activity

1. The farm must be an existing and operating working farm.
2. Agritourism activity must be incidental to and directly supportive of the agricultural use of the property.
3. Permits: Events under this section are exempt from site plan review.

4. Applicants, vendors, and owners are required to obtain all required local, state, and federal permits for each agritourism activity.

5. The attendance at any such event shall be limited to two-hundred and fifty (250) people at any one time. Any event larger than two-hundred and fifty (250) at any one time shall be reviewed under the Large Outdoor Event Ordinance.

6. The use of any structure used for agritourism activities is required to meet all local, state, and/or federal codes including but not limited to building and fire codes.

7. Adequate bathroom facilities, either portable or permanent, shall be provided to accommodate all attendees.

8. Any service, sale or consumption of alcoholic beverages shall be in compliance with State law.

9. Such events may include the provision of goods and services by third-party vendors, including but not limited to catered food preparation and serving and musical performances or other entertainment. Third-party vendors are required to obtain all required, local, state, and federal permits for the events they are participating in.

10. Agritourism activities are required to meet the Town's noise standards under Chapter 2 Performance Standards, Section 2-1 Environmental, H. Noise Abatement.

11. Signage may be used as prescribed by Chapter 2 Section 2-3.

12. Hours of event operation are limited to:

a. Sunday through Thursday: 8:00 am to 8:00 pm.

b. Friday through Saturday: 8:00 am to 10:00 pm.

c. Setup and take down for an event is separate from the hours of operation and shall not be considered part of the event itself.

13. Events that do not conform to the standards above may be considered under the Contract Zoning Chapter 1 Section 1-1.

***Additions: Underlined**

Order #21-113 VOTED **7 yeas**

Item #2021-8-10

Action to consider amending the Land Use & Development Code to require phase build outs of subdivisions (Ordinance Committee Spon.)

Proposed

Order #21-114

Moved by Councilor Hartwell, seconded by Councilor Shepard and ORDERED, that the Town Council forward to the Planning Board, for public hearing and recommendation, amendments to the Land Use & Development Code as follows:

Moved by Councilor Hartwell, seconded by Councilor Wilder Cross and VOTED to waive the reading of Order #21-114 due to length. **7 yeas**

CHAPTER 3: SUBDIVISION
SECTION 3-5 - POST APPROVAL ACTIVITIES

A. Performance Guarantee:

- 7) Phasing of Development: The Planning Board may approve plans to develop a subdivision in separate and distinct phases. If the subdivision has 50 lots or more, subdivision phases shall be limited so no more than 25 lots are allowed in an individual phase. Only 1 phase is allowed to be under construction at a time until at least 90% of the occupancy permits have been issued in the prior phase and all required improvements have been completed other than finish paving of streets. No subdivision is allowed to have more than 2 phases under construction at one time. The phases must be designed so that they can be recorded at the registry of deeds as separate and distinct plans. No phased plans will be released for recording in the registry of deeds until the performance guarantee for that phase has been established as required under this section.

***Additions: Underlined**

Order #21-114 VOTED **7 yeas**

Item #2021-8-11 Action to consider accepting Madison Way as a public way. (Admin. Spon.)

Proposed
Order #21-115 Moved by Councilor Phillips, seconded by Councilor Hager and ORDERED, that the Town Council accept Madison Way as a public way.

Order #21-115 VOTED **6 yeas, 1 nay (Hartwell)**

Item #2021-8-12 Action to consider accepting a trail easement from Hani, LLC. (Admin. Spon.)

Proposed
Order #21-116 Moved by Councilor Shepard, seconded by Councilor Wilder Cross and ORDERED, that the Town Council accept a trail easement located on Map 34, Lot 4 for the purposes of extending access to the Tow Path trail.

Order #21-116 VOTED **7 yeas**

Item #2021-8-13

Action to consider accepting a trail easement from Cottage Advisors ME, LLC. (Admin. Spon.)

Proposed

Order # 21-117

Moved by Councilor Phillips, seconded by Councilor Shepard and ORDERED, that the Town Council accept a trail easement located on Map 46, Lot 4 for the purposes of interconnecting the trail network located in Gorham Village to the trail system located to the northeast of Gorham Village, and provide residents in the Pheasant Knoll condominium development with easy access to the trail system.

Order #21-117 VOTED **7 yeas**

Item #2021-8-15

Action to consider authorizing medical marijuana retail sales in the Town of Gorham (Councilor Phillips Spon.)

Proposed

Order #21-119

Moved by Councilor Phillips, seconded by Councilor Kuech and ORDERED, that the Town Council forwards to the Ordinance Committee, for review and recommendation, amending the ordinances of the Town of Gorham to authorize medical marijuana retail sales as an allowed use.

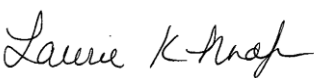
Order #21-119 VOTED **2 yeas, 5 nays (Shepard, Wilder Cross, Hager, Hartwell, Pratt)**

Moved by Councilor Shepard, seconded by Councilor Wilder Cross and VOTED to adjourn. **7 yeas**

Time of Adjournment: 8:40PM

A True Record of Meeting

08/03/2021

ATTEST  _____
Laurie Nordfors, Town Clerk

____08/04/2021